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## MARSHALL ISLANDS

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## I. LAND AND PEOPLE

1. Geography. The Marshall Islands lies between 4 degrees and 15 degrees north latitude and between 160 degrees and 173 degrees east longitude, 2,270 miles south-west of Hawaii and 1,500 miles east of Guam. The nation comprises 29 coral atolls and five reef islands scattered over 750,000 square miles of the central Pacific Ocean. Twenty of the atolls and four of the single islands are inhabited. These islands and atolls are arrayed in two parallel chains, the *Ratak* (sunrise) chain to the east and the *Ralik* (sunset) chain to the west. The total land area of the nation is only 70.05 square miles.

2. Each atoll consists of a ring of islets encircling a deep-water lagoon. The islets are interconnected and surrounded by a coral reef. None of these low-lying land areas has an elevation greater than 10 feet above sea level. The mean height of the land is about 7 feet above sea level.

3. Climate. The islands have a hot and humid climate. The average annual temperature is 81 degrees Fahrenheit with little seasonal variation. Trade winds from the north-east cool the high temperatures from December through March. The average annual rainfall varies from 70 inches in the north of the nation to 170 inches in the south. The wettest months of the year are October and November, and the months from December to April are generally drier.

4. The Republic is not considered to be in the typhoon belt. Nevertheless, because the island groups are true atolls with low-lying reefs and land masses, they are easily flooded during storms and tidal surges. In 1958, a typhoon destroyed buildings and structures in the old capital at Jabwor on Jaluit Atoll. More recently, in 1979, a series of tidal surges struck the most heavily populated areas of Majuro Atoll over a two-week period, destroying hundreds of homes and causing several million dollars in damage.

5. People. The people of the Marshall Islands are Micronesians - descendants of seafarers from south-east Asia who migrated to the islands 2,000 to 3,000 years ago. Since the first settlers arrived, the Marshall Islands has remained a highly homogeneous society. The 1988 census showed that 96.9 per cent of the total population of 56,219 is indigenous Marshallese. The remaining 3.1 per cent of the population is largely composed of persons from other Micronesian jurisdictions, the United States, the Philippines, and other Pacific island countries.

6. Language. The Marshallese language is the principal language of the nation. Two distinct dialects of the language are spoken in the eastern and western chains of islands; the two dialects are mutually comprehensible. The 1988 census documented a literacy rate of 90.7 per cent in the Marshallese language. English is taught as a second language in schools throughout the nation. Both Marshallese and English are used in official communications and in commerce, while English is used to a lesser extent on the outer islands.

7. Social structure and land tenure. Traditionally, Marshallese live in extended matrilineal family groups of three or more generations. In 1988, the average household size was 8.8 people. Each person also belongs to his or her

mother's *bwij*, or lineage, and has the right to use lineage land and other property. These lineage groups own most of the land in the Marshall Islands, which can only be owned by citizens.

8. Marshallese society is also divided into two hereditary classes: the *iroij*, the nobility, and the *dri jerbal*, the workers who are the *kajur*, or strength of the *iroij*. Both classes have clan rights to live and work on land. While the workers are expected to respect the nobles and pay them tribute from the fruits of their labour, the nobles are expected to assist their people in times of need and to resolve disputes.

9. The senior member of a royal clan is called an *iroijlaplap* or simply an *iroij*. The senior member of a worker's lineage is called an *alap* and is the spokesperson for his clan with the *iroij*. If the *alap* or the *iroij* is a woman, she may elect to have a younger brother or a son speak for her, but she can exercise her rights directly if she so chooses.

10. As the Marshall Islands has moved from a subsistence economy to a mixed cash/subsistence economy, the observance of the traditional social structure has diminished. Rather than living and working on the wife's land with her extended family, nuclear families migrate to Majuro and Ebeye (the urban centres) for cash jobs. Also, a new elite has emerged. Some untitled business people have more wealth and influence than some traditional chiefs, as do certain political leaders with control over government funds. However, the wealthy *iroijes* still command the greatest respect, and some are elected leaders.

11. Religion. Most Marshallese, approximately 80 per cent of the population, are Christians. The principal Protestant denomination, the United Church of Christ, includes 60 per cent of the population. This Church is the successor to the Congregationalists from New England and Hawaii who converted the islanders in the latter half of the nineteenth century. The Catholic Church is the next largest church with 20 per cent of the population. Other religious faiths present in the Marshall Islands include the Assembly of God, Seventh Day Adventists, Baptists, Baha'is, Mormons and Jehovah's Witnesses.

12. Urbanization. In the 50 years since the end of the Second World War, the Marshall Islands has experienced both rapid urbanization and population growth. While somewhat more than 30 per cent of the population (16,900) lives in a semi-subsistence mode in the rural atolls and islands, almost 70 per cent of the population (39,400) resides in the two population centres of Majuro and Ebeye.

13. Majuro Atoll is the most highly developed area in the nation and has several high schools, a community college, an 80-bed hospital and infrastructure that includes electricity, telecommunications, drinking water and sewage disposal. The atoll is 22 miles long. The widest islet measures about half a mile from ocean to lagoon.

14. As the national capital, Majuro is home to an expanding population, estimated to be 26,603 at mid-year 1995. Majuro also is the site of most public, commercial and industrial development. With a land area

of 3.75 square miles, Majuro Atoll has a population density of 5,244 people per square mile. Over half of Majuro's residents, 14,649, are crowded into a "downtown" administrative and commercial centre of 0.51 square miles. The population density in this "downtown" area is 28,724 people per square mile. As most housing is single storey, these figures represent a high ratio of people to floor space.

15. Ebeye, a small island within Kwajalein Atoll, is the only other urban centre in the Marshall Islands. Ebeye has a population of more than 12,800 on 0.14 square miles of land - a population density of over 90,000 people per square mile. The urbanization of Ebeye commenced in the late 1940s with the development of Kwajalein Atoll as a logistical support centre for the United States Department of Defense. The population of Ebeye has continued to grow over the years as people from throughout the Marshall Islands (and elsewhere in Micronesia) are attracted to job opportunities at the nearby military base.

16. Conditions on Ebeye are poor. Housing is substandard and extremely crowded. While a new 38-bed hospital will soon replace an old dilapidated facility, health problems are numerous and may be attributed, in part, to overcrowding and an inadequate water supply.

17. The rural outer islands comprise the remainder of the Marshall Islands. Scattered over great expanses of the Pacific Ocean, the people live in separate communities ranging from 50 to 800 persons. The outer islands constitute a diminishing proportion of the population of the nation. With few exceptions, residents of the outer islands do not have electricity or running water. Travel between non-contiguous islets of an atoll can only be made by canoe or motorboat. Meals are cooked on open fires, on single-burner kerosene stoves, or in traditional earth-ovens. The Government's field trip ships travel to each outer island every two or three months bringing passengers, medical and education supplies, and trade goods. Income for residents of the outer atolls is generated primarily from the sale of copra (dried coconut).

18. In the outer islands, medical care is available at dispensaries staffed by health assistants who maintain radio contact with the Majuro or Ebeye hospitals for instruction and guidance. Only two outer island atolls have high schools: a public high school on Jaluit Atoll and a private, Church-affiliated high school on the atoll of Ailinglaplap. A second public high school is under construction on Wotje Atoll.

19. Each of the 24 inhabited outer islands has an airstrip. Several of the larger atolls have more than one airstrip. Emergency medical evacuations are performed by small aircraft or, at islands where the airstrips have been closed for repair, by field trip ship. Medical evacuation by air can only take place by daylight since the outer island airstrips do not have landing lights. Medical evacuation by ship to Majuro or Ebeye can take as long as two days.

20. Population growth. In recent years, the Marshall Islands has had a very high growth rate. The first census, taken in 1920 under the Japanese administration, counted 9,800 people. At the next census, taken in 1935, the population numbered 10,446 individuals, indicating a very modest 6.6 per cent

population increase over a period of 15 years. Since the late 1950s, however, the rate of population growth has increased rapidly. The most recent national census, in November 1988, showed a population of 43,380, reflecting a 41 per cent increase since the 1980 census. The current population of the nation is estimated to have grown to 56,219 individuals.

21. The 1988 census also established certain other key indices of the health of the Marshallese people: the crude birth rate was 49.2 per 1,000; the crude death rate was 8.90 per 1,000; the infant mortality rate was 63 per 1,000; the total fertility rate was 7.23; the life expectancy at birth for men was 59.61 years and for women was 62.57 years; and the population growth rate was 4.17 per cent. There were, and are, no figures for maternal mortality or percentage of households headed by women.

22. The table below, derived from the November 1988 national census, quantifies the population cohorts by sex and age. The table shows that the population is very young. Fifty-one per cent of the population is under the age of 15 years, and only 3 per cent is 65 years of age or older.

Table 1. Marshall Islands population by sex and age (1988)

| Age | Total | Percentage | Female | Male |
|---|---|---|---|---|
| 0 - 4 | 8 651 | 19.9 | 4 228 | 4 423 |
| 5 - 9 | 7 609 | 17.5 | 3 725 | 3 884 |
| 10 - 14 | 5 876 | 13.5 | 2 821 | 3 055 |
| 15 - 19 | 4 085 | 9.4 | 1 981 | 2 104 |
| 20 - 24 | 3 510 | 8.1 | 1 824 | 1 686 |
| 25 - 29 | 3 027 | 7.0 | 1 507 | 1 520 |
| 30 - 34 | 2 656 | 6.1 | 1 308 | 1 348 |
| 35 - 39 | 2 187 | 5.0 | 982 | 1 205 |
| 40 - 44 | 1 492 | 3.4 | 734 | 758 |
| 45 - 49 | 971 | 2.2 | 422 | 549 |
| 50 - 54 | 743 | 1.7 | 357 | 386 |
| 55 - 59 | 680 | 1.6 | 359 | 321 |
| 60 - 64 | 635 | 1.5 | 313 | 322 |
| 65 - 69 | 544 | 1.3 | 255 | 289 |
| 70 - 74 | 373 | 0.9 | 183 | 190 |
| 75 + | 341 | 0.8 | 153 | 188 |

Source: Census of Population and Housing, 1988, Office of Planning and Statistics, Majuro, Marshall Islands.

23. Well into the next century, the present pattern of population distribution could have staggering implications for the health care and social programmes of the Marshall Islands. It is anticipated that the nation will experience a continuing increase in the number of mothers and children with special health needs.

24. In late 1994, the Office of Planning and Statistics conducted an intercensal multi-purpose household survey. The preliminary results of this survey indicate some improvement in the health status of the Marshall Islands since the 1988 census. The Office gives a comparison of the findings of the two databases in the table below. Most notably, the population less than 15 years of age has dropped from 51 per cent of the population to 47.7 per cent and the growth rate has dropped from 4.1 per cent per annum to 3.6 per cent. A comparison of the 1988 census figures and those obtained in 1994 is shown in the following table.

Table 2. Summary of demographic indicators for the Marshall Islands, 1988 and 1994

| Demographic indicator | 1988 | 1994 |
|---|---|---|
| Population less than 15 years | 51.0% | 47.7% |
| Crude birth rate | 49.2/1 000 | 43.1/1 000 |
| Crude death rate | 8.9/1 000 | 7.3/1 000 |
| Natural increase | 4.1% | 3.6% |
| Mean age of marriage | | |
| Male | 23.7 years | 24.3 years |
| Female | 21.0 years | 21.4 years |
| Life expectancy at birth | | |
| Male | 59.6 years | 59.9 years |
| Female | 62.6 years | 63.6 years |

Source: Census of Population and Housing, 1988, Office of Planning and Statistics, Majuro, Marshall Islands.

25. From the 1988 census it is possible to estimate the population growth during the next five years in each region of the Marshall Islands. The mid-year projections are listed in the table below. The projections were made using the geometric assumption, applying the historic growth rates for each region during the 15-year period 1973-1988. The growth rate for Majuro was 4.41 per cent. The growth rate for Kwajalein was 3.61 per cent. The growth rate for the outer islands was 2.97 per cent. The national rate of growth was 3.76 per cent.

Table 3. Projected population for Marshall Islands

| Year | Majuro | Kwajalein | Outer Islands | Total |
|---|---|---|---|---|
| 1988 | 19 664 | 9 311 | 14 405 | 43 380 |
| 1995 | 26 603 | 11 935 | 17 681 | 56 219 |
| 1996 | 27 776 | 12 366 | 18 206 | 58 349 |
| 1997 | 29 002 | 12 813 | 18 747 | 60 561 |
| 1998 | 30 281 | 13 276 | 19 304 | 62 861 |
| 1999 | 31 617 | 13 755 | 19 877 | 65 249 |
| 2000 | 33 012 | 14 252 | 20 467 | 67 731 |

Source: Census of Population and Housing, 1988, Office of Planning and Statistics, Majuro, Marshall Islands.

26. A November-December 1994 Fertility and Family Planning Survey conducted by the Ministry of Health and Environment found that 8.33 per cent of women of child-bearing age were pregnant at the time of the survey. Since 20.25 per cent of the population consists of women of child-bearing age (15 to 49), the minimum proportion of pregnant women in population at any period in time may be calculated as 8.33 per cent of 20.25 per cent of the total population (i.e. 1.69 per cent).

## II. THE ECONOMY

27. The economy is a mixture of a large subsistence sector and a cash-based sector. A substantial proportion of the population depends on subsistence agriculture and fishing for their livelihood. About half the gainfully employed people are engaged in agriculture and fishing. Their main agricultural activities are cash-copra production and the subsistence cultivation of coconuts, breadfruit, banana, pumpkin, taro, and pandanus.

28. Some 22,000 acres of land, about 60 per cent of the total land area of the Republic, is under coconut plantations. Until 1989, coconut oil and copra comprised about 90 per cent of total exports of the country. Now fish is the largest export accounting for over 80 per cent of total exports. These exports, however, are not enough to create a viable base by which the Marshall Islands can sustain a comfortable standard of living. Moreover, the land area is too small to support heavy manufacturing.

29. The cash-based sector of the economy is largely service oriented and is located in the two urban centres of Majuro and Ebeye. These centres are sustained by grants and payments by the United States under the Compact of Free Association. In fiscal year 1995, the United States gave the Marshall Islands approximately $48.0 million, 57 per cent of the islands' revenues. Much of the remaining revenues were taxes paid with Compact funds that had reached workers and consumers. If the United States does not renew

the Compact in 2001, or if another source of revenue is not found, the Marshallese will experience a sharp fall in their standard of living.

30. With Compact funding, the gross domestic product (GDP) per capita is $1,400 to $1,600 per year. Without the Compact, the Office of Planning and Statistics expects that the GDP per capita would be $200 to $600 per year. Currently, there is a substantial difference between the urban and rural per capita GDP. The per capita income in the urban centres of Majuro and Ebeye is over $1,700 per year, whereas the per capita income in the outer islands is between $200 and $600 per year. The lower cash income in the outer islands is partly offset by subsistence production and remittances from the urban areas.

31. To date, inflation has not been a problem. From 1984 to 1994, inflation has averaged 3.5 to 4.0 per cent per year. In 1992, inflation reached 10.3 per cent - this may have been due to the 1991 Gulf war that drove up the world prices of oil. From 1993 to 1994, however, inflation fell to between 4.9 and 5.28 per cent.

32. Unemployment, unlike inflation, is a problem. According to the 1988 census, the unemployment rate for the country as a whole was 12.5 per cent. In the census, an unemployed person was defined as either one who was available for work and was actively seeking work or one who was available for work although not actively seeking during the week prior to the census.

33. According to the 1988 census, there was more unemployment in the urban areas than in rural areas. The unemployment rate for Majuro was 17.0 per cent with 13.7 per cent for Ebeye as compared with only 5.3 per cent in the outer atolls. The census also provided information on other aspects of unemployment including sex- and age-specific rates and rates by the level of education attained. Unemployment was highest among the 15 to 19 age group at 38.8 per cent. Thereafter, the rates declined with 17.4 per cent for the 25 to 29 group with only 2.2 per cent for the 45 to 49 group. In the age group 15 to 19, the unemployment rate was higher among females at 45.2 per cent as compared with 36.1 per cent among males. The census indicated that almost 80 per cent of the unemployed had completed at least grade 8. Nearly a third of the unemployed had completed grade 11, while about a fifth had received post-secondary education.

34. The 12.5 per cent rate for the country may underestimate unemployment as some subsistence workers would work cash jobs if the jobs were available. Also, the traditional system is breaking down and more people are relying on paid employment for their livelihood.

35. The above figures show that unemployment is highest among educated youths who are increasingly being exposed to the values of a cash-based economy and are reluctant to engage in subsistence activities or will not be happy with the welfare system of the traditional extended family. The fact that an estimated 500 educated youths are joining the labour force every year and cannot find jobs that meet their expectations is a serious problem in an economy where most paid employment is the direct or indirect result of foreign aid. This is of great concern to policy makers.

## III. GENERAL POLITICAL STRUCTURE

36. Over the past century, the Marshall Islands has undergone successive foreign domination by Germany, Japan and the United States. These foreign Powers ruled the islands for such advantages as trade, religious propagation, exploitation of resources, strategic considerations and maintenance of sea routes.

37. In 1885, after a 25-year period of commercial contact with other nations through the copra trade, the Marshall Islands formally became a protectorate of the German empire. The Germans were followed by the Japanese, who seized the islands from Germany in 1914. The Japanese administered the islands under a League of Nations mandate from 1920 to 1935, and were expelled by American forces during the Second World War. Kwajalein and Enewetak in the Marshall Islands were major battlefields of the American island-hopping campaign. At the end of the war, the United States assumed responsibility for administering the Marshall Islands under a United Nations trusteeship agreement. In the years following the war, the Marshalls developed towards a position of self-government.

38. Following the Second World War, the northern Marshall Islands became a testing ground for atomic and nuclear weapons. Between 1946 and 1958, the United States exploded 66 atomic and nuclear devices at Bikini and Enewetak Atolls. Kwajalein Atoll was and continues to be used by the United States for testing the weaponry of the Space Age. Where in earlier decades Kwajalein had served as a testing range for ballistic and anti-ballistic missiles, it is now a test site for the United States Space and Strategic Defense Command.

39. On 1 May 1979, the nation became internally self-governing after the electorate adopted a constitution drafted by elected representatives. The Constitution of the Marshall Islands incorporates a blend of the British and American constitutional concepts and consists of legislative, executive, and judicial branches. The legislature is a bicameral institution consisting of the Council of *Iroij* and the *Nitijela*. The main function of the Council of *Iroij*, which has a membership of 12, is to request consideration by the *Nitijela* of bills affecting customary law, land tenure, or any traditional practice. The *Nitijela* is the law-making chamber and consists of 33 members who stand for election every four years. The *Nitijela* also elects from its ranks a president and, on nomination by the President, other members of the *Nitijela* to serve with the President as the Cabinet. The Cabinet is the executive branch of the Government and directs the actions of the Public Service. The Cabinet is answerable to the *Nitijela* for its actions. The judicial branch consists of a supreme court, a high court, a traditional rights court and community courts.

40. There are 24 local governments that govern the affairs of the atolls and islands. Each local government consists of an elected council (except Ebon Atoll which has an hereditary council), an elected mayor, appointed or elected local officials, and a local police force.

41. United States Trusteeship administration of the Marshall Islands came to an end on 21 October 1986, when the Compact of Free Association between the Government of the United States and the Government of the Marshall Islands

came into effect. Under free association, the Marshall Islands is self-governing under its own Constitution and conducts its own domestic and foreign affairs, while the United States Government has authority and responsibility for defence and security matters. The Compact will remain in effect for an initial period of 15 years, providing the Marshall Islands with various economic, technical, trade and other benefits.

## IV. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

42. In the Marshall Islands, human rights are enumerated and guaranteed under article II of the Constitution, the Bill of Rights. These rights include the following: (a) freedom of thought, speech, press, religion, assembly, association and petition; (b) freedom from slavery and involuntary servitude; (c) freedom from unreasonable search and seizure; (d) due process and fair trial; (e) just compensation for the taking of private property by the Government; (f) freedom from cruel and unusual punishment; (g) the right to a writ of habeas corpus; (h) freedom from *ex post facto* laws and bills of attainder; (i) limitations on the quartering of soldiers; (j) freedom from imprisonment for debt; (k) limitation on conscription and the right of conscientious objection; (l) equal protection and freedom from discrimination; (m) personal autonomy and privacy; (n) access to judicial and electoral processes; (o) access to health, education and legal services; (p) ethical government; and (q) any other rights retained by the people.

43. Competent authorities having jurisdiction affecting human rights. The Republic's High Court and the Supreme Court have jurisdiction to hear cases involving human rights. Normally, the High Court exercises original jurisdiction and the Supreme Court appellate jurisdiction. However, the High Court may, if it so chooses, remove cases to the Supreme Court that raise questions as to the interpretation or effect of the Constitution. In such removed cases, the Supreme Court exercises original jurisdiction.

44. Remedies and compensation for violations. The guarantees of the Bill of Rights may be invoked either as a defence in a civil or criminal proceeding or as a basis for legal or equitable relief against any actual or threatened violation.

45. Constitutional protections and derogations therefrom. The constitutional protections of the Bill of Rights are as set forth above. The Constitution is the supreme law of the land and is not subject to derogation.

46. How human rights instruments are made part of the legal system. For human rights instruments, or any other treaties, to be made part of the legal system, they must be expressly enacted into law. It is not enough that the instrument or treaty be accepted by the Cabinet and ratified by the *Nitijela*.

47. Enforcement of human rights instruments as law. Human rights that are guaranteed under the Constitution may be invoked in the courts as noted above. However, provisions of human rights instruments that are not contained in the Constitution must be enacted into law before they can be invoked.

48. Institutions to oversee implementation of human rights. Under the Constitution, it is the responsibility of the Cabinet, as the executive authority, to make such provision as may be reasonable and necessary for the people to enjoy their legal rights. Moreover, it is the responsibility of the Attorney-General to see that the laws are faithfully executed. There does not, however, exist an institution that is specifically charged with overseeing the implementation of human rights.

## V. INFORMATION AND PUBLICITY

49. The contents and significance of the Bill of Rights are taught in the schools and were discussed and debated extensively prior to their adoption in 1979. However, human rights instruments, other than the Bill of Rights, have not been publicized and are not readily available.

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